

Serial No. 09/977,330
Amendment dated April 23, 2004
In Reply of Office Action dated October 23, 2003

R E M A R K S

The Office Action dated October 23, 2003 has been received and its contents carefully noted.

In view of the foregoing amendments and following representations, reconsideration and allowance are respectfully requested.

As to part 1 of the Office Action, Applicant affirms that the invention of Group I claims 1-11, was elected without traverse.

Withdrawn claims 12-21 have been cancelled.

New claims 22-31 directed to the elected invention have been added to provide Applicant with the varied scope of protection to which he is entitled.

As to the Abstract, to comply with the 150 word limit, Applicant has amended the Abstract to be less than 150 words in length.

To overcome the rejection of claim 2 as being indefinite, Applicant has amended claim 2. However, it is noted that claim 2, as filed, was definite. Needless to say, if second material is added through the open top face of the top half, then, given that the bottom face of the top half is at least partially open, the material would be able to go through as described in claim 2, as filed.

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Applicant has amended one word in independent claim 1 and one word in claim 3 to correct an obvious typographical error. The amendment is submitted to not rise to the level anticipated by the Federal Circuit and the Supreme Court in the case of Festo v. Shoketsu.

Likewise, as discussed, the amendment to claim 2 is submitted to be stylistic, as claim 2 was definite, as filed, and the changed likewise does not rise to the level envisioned by the Festo Court.

As to the rejection of claim 1-3 and 5-10 as being obvious variations of EP 0790039 to Palazzolo in view of U.S. Patent No. 5,719,668 to Huestis, such is respectfully traverse.

It is respectfully submitted that the Palazzolo method teaches directly away from Applicant's claimed method in which a "closed bottom" is provided. The Palazzolo base 3 of Palazzolo bottom mold 1 is clearly shown and described as having preferably, but not necessarily, central opening 7 for purposes of pushing out the mold material (plaster or polymerizable resin).

Thus, not only does Palazzolo teach directly away from the claimed invention, Palazzolo would have taught directly away from the Examiner's proposed modification of eliminating the central

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opening 7 in Palazzolo by closing the Palazzolo base 3 completely as done in the Huestis device.

That is merely one example of the manner in which Applicant's claimed method differs from the Palazzolo method, even, assuming for the sake of argument, that it would have been obvious to modify the Palazzolo base 3, which it would not have been.

For brevity of discussion, the patentability of the dependent claims which were rejected based on a variety of other combinations of references, which would not have been obvious to a person having ordinary skill of the art at the time of Applicant's invention, will be allowed to rest on their dependence from independent claim 1 at this time.

To provide Applicant with the varied scope of protection to which it is entitled, Applicant has added new independent claim 22 and dependent 23-31 which depend therefrom.

Each of the new claims 22-31 is submitted to define over the prior art of record.

Attached is a check in the amount of \$475.00 for a three month extension of time (small entity); it is believed that no additional fee is due, as at least the same number of claims has been cancelled as has been added.

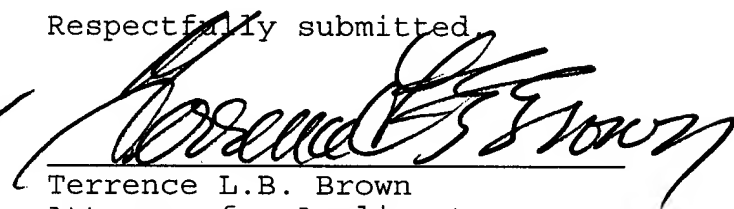
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In summary, the application is submitted to be in condition of allowance with claims 1-11 and 22-31. Claims 1 and 22 are in independent form.

Should any outstanding formal matters or other issues remain, the Examiner is requested to telephone Terrence Brown at the telephone number provided below to resolve such.

Respectfully submitted

Date:

April 23, 2004 
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ABSTRACT

~~A method~~ Method of making a new dental prosthetic from an existing dental prosthetic including the steps of providing an existing dental prosthetic; and providing a mold having a bottom half and a top half, the bottom half including a side wall, a closed bottom and an open top face for mating with the top half, the top half including a further side wall, an open bottom face for mating with the open top face of the bottom half, and a partially opened top. The bottom half is then partially filled with a first molding material, and a first portion of the existing denture is covered with the ~~of a first~~ molding molded material. The top half of the mold is placed on the bottom half; ~~of the mold;~~ and a portion of the first material and a further portion of the existing denture is covered with a second material. ~~A mold for making a dental prosthetic includes a top half and a mating bottom half. The bottom half includes a side, an open top, and a substantially closed bottom. The top half includes a side, an open bottom which mates with the top of the bottom half, and a partially opened top. A locking element may be provided for permanently or detachably attaching the top and bottom halves of the mold. , such as for shipping.~~